

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

STATE OF ARKANSAS, et al.,

Plaintiffs,

v.

MIGUEL CARDONA, *in his official capacity*
as Secretary of Education, et al.,

Defendants.

No. 4:24-cv-636-RWS

**DEFENDANTS' UNOPPOSED MOTION TO STAY ANSWER DEADLINE PENDING
DECISION ON PLAINTIFFS' MOTION FOR PRELIMINARY RELIEF**

Defendants respectfully move this Court to stay their deadline to answer or otherwise respond to the Complaint until 21 days after the Court issues its ruling on Plaintiffs' Motion for 5 U.S.C. 705 Stay and Preliminary Injunction. Defendants' current answer deadline is July 15, 2024.

Good cause exists for this request. First, the Court has not yet resolved the Plaintiffs' motion for preliminary relief. The Court's decision on that motion likely will bear on the proper course for future proceedings in this case. Once that decision is issued, the parties can meaningfully meet and confer regarding their views on how the next phase of this case might proceed in this Court, taking into account the Court's ruling. Any consensus the parties may reach on those issues has the potential to affect or obviate the deadline for Defendants' response to the Complaint if the Court agrees to it.

Second, the requested stay will allow Defendants to fully evaluate and respond to the claims in the Complaint in a manner that takes account whatever decision is entered by the Court on Plaintiffs' preliminary injunction motion. The requested stay until 21 days after issuance of the Court's decision is also necessary to allow for the requisite coordination and intra- and inter-

agency review that must be employed in order for Defendants to submit their response to the Complaints.

Undersigned counsel reached out to Plaintiffs' counsel by email on July 9, 2024, to seek their position on this motion. Plaintiffs' counsel informed undersigned counsel that Plaintiffs consent to the requested stay of Defendants' response deadline until 21 days after the Court issues its decision on Plaintiffs' pending motion for preliminary relief. A proposed order is attached.

Dated: July 11, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

EMILY B. NESTLER
Assistant Branch Director

/s/ Elizabeth Tulis

ELIZABETH TULIS
REBECCA KOPPLIN
BENJAMIN TAKEMOTO
HANNAH SOLOMON-STRAUSS
PARDIS GHEIBI
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Phone: (202) 514-9237
Fax: (202) 616-8470
E-mail: elizabeth.tulis@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2024, I electronically filed this document with the Court by using the CM/ECF system, and that this document was distributed via the Court's CM/ECF system.

/s/ Elizabeth Tulis